

GOVERNMENT OF INDIA
MINISTRY OF WOMEN AND CHILD DEVELOPMENT

RAJYA SABHA
STARRED QUESTION NO. 145
TO BE ANSWERED ON 02.08.2023

MECHANISM TO INSPECT JAILS OR REMAND HOMES FOR WOMEN

145. SMT. SANGEETA YADAV:

Will the Minister of Women and Child Development be pleased to state:

- (a) whether there exists any mechanism to inspect jails or remand home for women prisoners by the Ministry/ National Commission for Women (NCW);
- (b) if so, the details thereof, if not, the reasons therefor;
- (c) whether any surprise inspection to check the condition of women prisoners is being carried out by Ministry/NCW;
- (d) if so, the details of such inspections carried out during the last three years along with the findings thereof, if not, the reasons therefor; and
- (e) the follow up action, if any, taken to improve the living conditions of women inmates in the prisons?

ANSWER

MINISTER OF WOMEN AND CHILD DEVELOPMENT
(SHRIMATI SMRITI ZUBIN IRANI)

(a) to (e) : A Statement is laid on the Table of the House.

STATEMENT REFERRED TO IN REPLY TO PART (A) TO (E) OF RAJYA SABHA STARRED QUESTION NO. 145 FOR 02.08.2023 ASKED BY SMT. SANGEETA YADAV REGARDING 'MECHANISM TO INSPECT JAILS OR REMAND HOMES FOR WOMEN'

(a) to (e) : Prisons/ 'persons detained therein' is a "State List" subject under Entry 4 of List II of the Seventh Schedule to the Constitution of India. Administration and management of prisons is the responsibility of respective State Governments. However, agencies of central government inspect prisons from time to time to know the condition of prisoners and prisons. The Ministry of Women and Child Development undertook a study on the Status of Women in Prisons in India and published a report titled 'Women in Prisons, 2018' which contained recommendations such as improving mental health of inmates, improved access to legal aid, after-care programmes for reintegration and taking care of children of women inmates, special provision for pregnant women and better accommodation for new mothers etc. Ministry of Home Affairs (MHA) circulated the report to the Home/ Prison Department of all States and Union Territories for their careful perusal and implementation of the suggestions made in the report for the welfare of women prison inmates.

The Ministry of Home Affairs (MHA) has taken several initiatives to address the issue of overcrowding in prisons. Section 436A was inserted in the Code of Criminal Procedure (CrPC), which provides for release of an under-trial prisoner on bail on undergoing detention for a period extending up to one half of the maximum period of imprisonment specified for an offence under any law. The concept of plea bargaining was also introduced by inserting a new "Chapter XXIA" on "Plea Bargaining" (Sections 265A to 265L of CrPC) which enables pre-trial negotiation between the defendant and the prosecution. E-prisons Software, which is a Prison Management Application integrated with Interoperable Criminal Justice System provides facility to State Jail authorities to access the data of inmates and helps them in identifying inmates whose cases are due for consideration by the Under Trial Review Committee. State Legal Services Authorities have established Legal Service Clinics in Jails and have deployed Para Legal Volunteers to provide free legal assistance to persons in need. The Model Prison Manual 2016, prepared and circulated to States and UTs by MHA, has a dedicated Chapter on "Legal Aid" which provides guidance in the matter of under trial prisoners. MHA has also issued various advisories to the States & UTs for adopting appropriate measures to address the issue of overcrowding in prisons. These advisories are available on MHA's website.

Further, as per the National Commission for Women Act, 1990 (Act no20 of 1990), NCW inspects various jails/ other custodial homes in the country as part of functions entrusted to it under Section 10(1)(k). The inspections are carried out in association with the representatives of the State Women Commissions, DLSA and NGOs working in related areas. The emphasis of such inspections is on identifying deficiencies in terms of parameters that are considered necessary for ensuring that reasonable facilities in keeping with human dignity are provided to women in custodial homes. This is also done to set in motion a process of improvement in custodial homes, so that women housed in these places are not denied the basic minimum requirements in terms of adequate and balanced diet, water, accommodation, bedding, clothing, lighting heating, ventilation and open space. This also encompasses provision of adequate health care facilities, hygiene, sanitation and facilities for improving their outlook towards life empowering them through education and skill development so that the inmates can eventually be integrated in the society and they can earn their livelihood with dignity after release from the prison.

During inspections of the Prisons and analysis of the information, the Commission noted prolonged incarceration of women inmates as under trials, with their period of detention ranging from 2 years to 10 years and in some cases even beyond. The Commission has taken up the matter with the National Legal Services Authority / State Legal Services Authority to ensure that legal assistance made available to the female inmates need to be more effective to expedite the trials within a reasonable time and take legal recourse to obtain bail to the women under-trials within a reasonable time by invoking the special dispensation available to them under Section 437 (1) (ii) of the CrPC. The Commission held an interactive session with Member Secretaries of SLSA on 15th October, 2019, and impressed upon them to ensure availability of quality legal aid to the women prisoners particularly in view of their poor socio-economic and educational background. Representatives / Secretaries of several SLSA participated in this interactive session.

During the COVID-19 pandemic period also, the Commission conducted online meeting/ video conferences with the stakeholders of Prisons and Psychiatric Homes, State Director General / Inspector General for Prisons to discuss the action taken by them on various recommendations by the Commission for improving the living conditions of women inmates in the wards / barracks of the prisons.

The details of the inspections of jails carried out by NCW during the year 2019, 2022 and 2023 are at **Annexure**.

ANNEXURE

ANNEXURE REFERRED TO IN REPLY TO THE RAJYA SABHA STARRED QUESTION NO.145 FOR 02.08.2023 ASKED BY SMT. SANGEETA YADAV, HON'BLE MEMBER OF PARLIAMENT REGARDING 'MECHANISM TO INSPECT JAILS OR REMAND HOMES FOR WOMEN'.

Details of the inspections of jails carried out by NCW during the year 2019, 2022 and 2023:

Sr. No	Name of the Jail visited by NCW	Date of Inspection
1	Circle Jail Cuttack, Odisha	29.06.2019
2	District Jail, Kanpur Nagar Uttar Pradesh	10.07.2019
3	Central Jail Patna Beur, Bihar Circle	18.07.2019
4	Circle Jail Mysuru, Karnataka	19.07.2019
5	Central Jail, Bengluru Karnataka	27.07.2019
6	District Jail, Gorakhpur U.P.	14.08.2019
7	District Jail Maharjganj, U.P	16.08.2019
8	Udaipur Central Jail	29.05.22
9	Bhopal Central Jail	12.09.2022
10	Byculle Women Jail, Mumbai	21.11.2022
11	District Jail, Jowai	31.03.2022
12	District Jail – Shillong East Khasi Hills District	03.04.2023
13	District Jail – Shillong West Khasi Hills District	04.04.2023
14	District Jail- Mawsyntai- Marngar Ribhoi District	06.04.2023
15	Birsa Munda Central Jail, Ranchi Jharkhand	03.05.2023
16	District Jail- Tura, West Garo Hills District	10.05.2023
17	District Jail, North Garo Hills District	11.05.2023
18	District Jail- Dimapur Nagaland	17.05.203 3
19	District Jail, Munger, Bihar	17.05.02023
20	Bhagalpur Central Jail, Bihar	19.05.2023
21	District Jail, perel, Nagaland	19.05.2023
22	District Jail, Mokochung, Nagaland	23.05.2023
23	Tihar Jail No- 06 for Women, Delhi	07.06.2023
24	District Jail, Pakud Jharkhand	26.06.2023
25	New Central Jail, Srinagar Jammu and Kashmir	28.06.2023
26	District Jail Sahebganj, Jharkhand	28.06.2023
27	Godda District Jail, Jharkhand	30.06.2023
28	Koriya District Jail, Chhattisgarh	05.07.2023